

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
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April 11, 2003

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: May 29, 2003

LOCATION OF HEARING SESSION: United States Courthouse
Main Courtroom, Second Floor
South Federal Place
Santa Fe, New Mexico 87501


TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

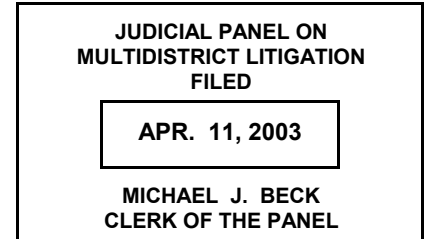
- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **May 12, 2003**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,


Michael J. Beck
Clerk of the Panel

c: Clerk, U.S. District Court for the District of New Mexico



BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, BRUCE M. SELYA,
JULIA SMITH GIBBONS, D. LOWELL JENSEN, J. FREDERICK MOTZ AND
ROBERT L. MILLER, JR., JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on May 29, 2003, a hearing session will be held in Santa Fe, New Mexico, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
May 29, 2003 -- Santa Fe, New Mexico

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1522 -- In re Air Crash Near Edgartown, Massachusetts, on October 6, 2000

Motion of defendant Midwest Air Traffic Control Services, Inc., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Massachusetts

Steven D. Yates, etc. v. Midwest Air Traffic Control Services, Inc., C.A. No. 1:02-11950
Charles D. Yates, et al. v. United States of America, et al., C.A. No. 1:02-11951
Charles D. Yates, et al. v. Mitsubishi Heavy Industries, Ltd., et al., C.A. No. 1:03-10259
Steven D. Yates, etc. v. Mitsubishi Heavy Industries, Ltd., et al., C.A. No. 1:03-10310

District of New Jersey

Susan Whipple, etc. v. United States of America, C.A. No. 3:02-5946

MDL-1523 -- In re Advantage Investors Mortgage Corp. Mortgage Funds Litigation

Motion of Advantage Investors Mortgage Corporation for centralization of the following actions in the United States District Court for the Northern District of Texas or, in the alternative, the United States District Court for the Eastern District of Virginia:

Southern District of New York

Lehman Brothers Bank, FSB v. Advantage Investors Mortgage Corp.,
C.A. No. 1:02-9240

Western District of North Carolina

Decision One Mortgage Co., LLC v. Advantage Investors Mortgage Corp.,
C.A. No. 3:02-383

MDL-1523 (Continued)

Northern District of Ohio

Ohio Savings Bank v. Advantage Investors Mortgage Corp., C.A. No. 1:02-2072

Northern District of Texas

Advantage Investors Mortgage Corp. v. Decision One Mortgage Co., LLC, et al.,
C.A. No. 3:02-2622

MDL-1525 -- In re MLR, LLC, Patent Litigation

Motion of MLR, LLC, for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of California

Handspring, Inc. v. MLR, LLC, C.A. No. 4:03-325

Northern District of Illinois

MLR, LLC v. U.S. Robotics Corp., et al., C.A. No. 1:02-2898

Northern District of Texas

Nokia, Inc., et al. v. MLR, LLC, C.A. No. 3:02-2356

MDL-1526 -- In re OxyContin Products Liability Litigation

Motion of plaintiffs Melissa Kelly Peace, Christopher M. Tomlinson, Genevieve Huck, Mary Hammond, Mark G. Parsons, J. Phillips Roberts, Clifton L. Blankenship, Claybyrne Cash, and Russell Buzhardt for centralization of the following actions in the United States District Court for the District of South Carolina:

Northern District of Alabama

Jerry Bodie v. Purdue Pharma Co., et al., C.A. No. 7:02-2838

Western District of Louisiana

John McGillivray, Jr., et al. v. PF Laboratories, Inc., et al., C.A. No. 5:02-1638

Northern District of Mississippi

Terry Lynne Poston, et al. v. Economy Drugs of Greenwood, Mississippi, Inc., et al.,
C.A. No. 4:02-26

Southern District of Mississippi

Bernice Hicks, et al. v. John B. Roberson, D.M.D., et al., C.A. No. 2:02-70
James Page, et al. v. David Loflin McKellar, et al., C.A. No. 3:02-273
Michael McGowan v. Purdue Pharma Co., et al., C.A. No. 3:02-1186
James Pittman, et al. v. Purdue Pharma Co., et al., C.A. No. 3:03-152

District of South Carolina

Melissa Kelly Peace v. PF Laboratories, Inc., et al., C.A. No. 2:02-3683
Christopher M. Tomlinson v. PF Laboratories, Inc., et al., C.A. No. 3:02-3681
Jim H. Broome, et al. v. Purdue Pharma, LP, et al., C.A. No. 4:02-1462
Genevieve Huck v. PF Laboratories, Inc., et al., C.A. No. 4:02-1747
Mary Hammond v. PF Laboratories, Inc., et al., C.A. No. 4:02-1748
Rebecca Martin v. Purdue Pharma, LP, et al., C.A. No. 4:02-2691
Michael Grimes v. Purdue Pharma, LP, et al., C.A. No. 4:02-2692
Rudolph Nelson v. Purdue Pharma, LP, et al., C.A. No. 4:02-2693
Mark G. Parsons v. PF Laboratories, Inc., et al., C.A. No. 4:02-3682
J. Phillips Roberts v. PF Laboratories, Inc., et al., C.A. No. 7:02-1709

MDL-1526 (Continued)

District of South Carolina (Continued)

Cliffon L. Blankenship v. PF Laboratories, Inc., et al., C.A. No. 7:02-3445

Claybyrne Cash v. PF Laboratories, Inc., et al., C.A. No. 7:02-3685

Russell Buzhardt v. PF Laboratories, Inc., et al., C.A. No. 8:02-3684

MDL-1527 -- In re Cisco Systems, Inc., Securities & Derivative Litigation

Motion of defendants Cisco Systems, Inc.; John T. Chambers; John P. Morgridge; Larry R. Carter; Carol A. Bartz; James F. Gibbons; Steven M. West; Edward R. Kozel; Donald T. Valentine; Mary Cirillo; James C. Morgan; Arun Sarin; Jerry Yang; Carly Fiorina; Robert L. Puette; Judith L. Estrin; Gary J. Daichendt; Charles H. Giancarlo; Mario Mazzola; Donald J. Listwin; Carl Redfield; and Michelangelo Volpi for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Plumbers & Pipefitters Local 572 Pension Fund, et al. v. Cisco Systems, Inc., et al.,
C.A. No. 5:01-20418

William H. Batallas, etc. v. John T. Chambers, et al., C.A. No. 5:01-20828

Northern District of Florida

Ian Rogers, et al. v. Cisco Systems, Inc., C.A. No. 3:03-32

MDL-1528 -- In re Southwestern Life Insurance Co. Sales Practices Litigation

Motion of defendant Southwestern Life Insurance Company for centralization of the following actions in the United States District Court for the Northern District of Texas:

Southern District of Alabama

Kelly Parden v. Southwestern Life Insurance Co., C.A. No. 1:03-28

Central District of California

Larry Sanitsky, et al. v. Southwestern Life Insurance Co., C.A. No. 2:02-3202

Northern District of Mississippi

William E. Riley v. Hillman E. Johnson, et al., C.A. No. 2:03-18

Edmund Duke, et al. v. Southwestern Life Insurance Co., et al., C.A. No. 4:03-6

MDL-1529 -- In re Adelphia Communications Corp. Securities & Derivative Litigation (No. II)

Motion of defendants Deloitte & Touche LLP and nineteen financial institutions for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Central District of California

Los Angeles County Employee Retirement Association v. John J. Rigas, et al.,
C.A. No. 2:02-9575

Franklin Strategic Income Fund, et al. v. John J. Rigas, et al., C.A. No. 2:02-9578

Southern District of New York

New York City Employees' Retirement System, et al. v. John J. Rigas, et al.,
C.A. No. 1:02-9804

MDL-1529 (Continued)

Western District of New York

W.R. Huff Asset Management, Co., LLC, etc. v. Deloitte & Touche, LLP, et al.,
C.A. No. 1:02-417
W.R. Huff Asset Management, Co., LLC, etc. v. Deloitte & Touche, LLP, et al.,
C.A. No. 1:02-825

Eastern District of Pennsylvania

Joseph Stocke, et al. v. John J. Rigas, et al., C.A. No. 2:02-mc-312
In re Adelpia Communications Securities Litigation, C.A. No. 2:02-1781
Richard Gitter v. Adelpia Communications Corp., et al., C.A. No. 2:02-1790
TZMicro Computing, Inc. v. Adelpia Communications Corp., et al.,
C.A. No. 2:02-1813
William J. Hatrick, Jr. v. Adelpia Communications Corp., et al., C.A. No. 2:02-1816
Alan Shulimson v. Adelpia Communications Corp., et al., C.A. No. 2:02-1819
Steven Rossow, etc. v. John Rigas, et al., C.A. No. 2:02-1831
Market Street Securities, Inc. v. Adelpia Communications Corp., et al.,
C.A. No. 2:02-1835
Israel Costa v. Adelpia Communications Corp., et al., C.A. No. 2:02-1839
Mark G. Epstein v. Adelpia Communications Corp., et al., C.A. No. 2:02-1871
Joanne Gold v. Adelpia Communications Corp., et al., C.A. No. 2:02-1878
Barry Goldman v. Adelpia Communications Corp., et al., C.A. No. 2:02-1893
John Fuller v. Adelpia Communications Corp., et al., C.A. No. 2:02-1987
Gerald J. Strekal, et al. v. John J. Rigas, et al., C.A. No. 2:02-2061
Crossway Partners, L.P. v. Adelpia Communications Corp., et al., C.A. No. 2:02-2087
Alan Garner, et al. v. Adelpia Communications Corp., et al., C.A. No. 2:02-2099
Mohammed Idries, etc. v. Pete J. Metros, et al., C.A. No. 2:02-2100
Lewis Thomas Hardin v. Adelpia Communications Corp., et al., C.A. No. 2:02-2112
Joseph E. Stocke, et al. v. John J. Rigas, et al., C.A. No. 2:02-2121
Ron Moore v. John J. Rigas, et al., C.A. No. 2:02-2136
VR Associates v. Adelpia Communications Corp., et al., C.A. No. 2:02-2238
Robert Morello v. Adelpia Communications Corp., et al., C.A. No. 2:02-2403
George B. Inabinet, et al. v. Adelpia Communications Corp., et al., C.A. No. 2:02-2416

MDL-1529 (Continued)

Eastern District of Pennsylvania (Continued)

Mead Ann Krim, etc. v. John J. Rigas, et al., C.A. No. 2:02-2600
Michael D'Asaro v. Adelphia Communications Corp., et al., C.A. No. 2:02-2618
Mariella A. Echeverri v. Pete J. Metros, et al., C.A. No. 2:02-2836
Thomas A. Kiefer v. Adelphia Communications Corp., et al., C.A. No. 2:02-3186
Richard Turrell v. Adelphia Communications Corp., et al., C.A. No. 2:02-3197
Harold Weiner v. John J. Rigas, et al., C.A. No. 2:02-3211
Charles Seebacher v. Adelphia Communications Corp., et al., C.A. No. 2:02-3264
Richard Burstein v. Adelphia Communications Corp., et al., C.A. No. 2:02-3273
Argent Classic Convertible Arbitrage Fund L.P., et al. v. Adelphia Communications Corp., et al., C.A. No. 2:02-3547
Philip Matovich v. Adelphia Communications Corp., et al., C.A. No. 2:02-3561
Alvin Victor, et al. v. Adelphia Communications Corp., et al., C.A. No. 2:02-3659
Scott Burnside v. John J. Rigas, et al., C.A. No. 2:02-3769
New York City Employees' Retirement System, et al. v. Adelphia Communications Corp., et al., C.A. No. 2:02-3778
William D. Huhn, et al. v. John J. Rigas, et al., C.A. No. 2:02-4334
Robert Lowinger v. John J. Rigas, et al., C.A. No. 2:02-6690
Maude Eichel v. John J. Rigas, et al., C.A. No. 2:02-7638

Western District of Pennsylvania

Lee P. Bent, et al. v. John J. Rigas, et al., C.A. No. 2:02-2239

Northern District of Texas

Elkmont Capital, Ltd. v. Deloitte & Touche, LLP, et al., C.A. No. 3:03-57

MDL-1530 -- In re Fleming Companies Inc. Securities & Derivative Litigation

Motion of defendants Fleming Companies, Inc.; Mark S. Hansen; Neal J. Rider; Thomas G. Dahlen; Herbert M. Baum; Kenneth M. Duberstein; Archie R. Dykes; Carol R. Hallett; Robert S. Hamada; Alice M. Peterson; Edward C. Jouillian III; and Guy A. Osborn for centralization of the following actions in the United States District Court for the Northern District of Texas:

Western District of Oklahoma

Anthony Colarich, et al. v. Fleming Companies, Inc., et al., C.A. No. 5:03-177

Terry Slater v. Fleming Companies, Inc., et al., C.A. No. 5:03-178

Eastern District of Texas

William Gaynor, Jr., et al. v. Fleming Companies, Inc., et al., C.A. No. 5:02-178

Janis Dolan v. Fleming Companies, Inc., et al., C.A. No. 5:02-190

Stanley Sved v. Fleming Companies, Inc., et al., C.A. No. 5:02-198

Denis Patterson v. Fleming Companies, Inc., et al., C.A. No. 5:02-205

Alfred S. Huk v. Fleming Companies, Inc., et al., C.A. No. 5:02-208

Jerald Gordon v. Fleming Companies, Inc., et al., C.A. No. 5:02-212

Virginia Rudisill v. Fleming Companies, Inc., et al., C.A. No. 5:02-218

William M. Eglinton v. Fleming Companies, Inc., et al., C.A. No. 5:02-222

Jackson Capital Management, LLC v. Mark Hansen, et al., C.A. No. 5:02-223

Sharee Stroud, etc. v. Mark S. Hansen, et al., C.A. No. 5:02-236

Margery O. Northup v. Fleming Companies, Inc., et al., C.A. No. 5:02-237

D.X. Larocca, et al. v. Fleming Companies, Inc., et al., C.A. No. 5:02-239

MDL-1531 -- In re Train Derailment Near Amite, Louisiana, on October 12, 2002

Motion of plaintiffs Sandra Oliphant, et al., for centralization of the following actions in the United States District Court for the Eastern District of Louisiana or the United States District Court for the Southern District of Mississippi:

Eastern District of Louisiana

Susan Blades, et al. v. Illinois Central Railroad Co., et al., C.A. No. 2:02-3121
LaShawn Brown, etc. v. Illinois Central Railroad Co., C.A. No. 2:02-3123
Marsha M. Reid, et al. v. Canadian National Railroad Co., et al., C.A. No. 2:02-3124
Edward Washington, et al. v. Canadian Railroads, et al., C.A. No. 2:02-3128
Sandra Oliphant, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3130
Rosie Harrell, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3133
Vonda Jenkinson, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3148
Ruby Edwards, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3149
Vercie Banks, et al. v. Illinois Central Railroad Co., C.A. No. 2:02-3155
Daniel Edwards v. Canadian Railroads, et al., C.A. No. 2:02-3156
Shirley Mixon v. Canadian National Railway Co., et al., C.A. No. 2:02-3169
Erma Barze, et al. v. Illinois Central Railroad Co., C.A. No. 2:02-3177
Henry Banks, Sr., et al. v. Illinois Central Railroad Co., et al., C.A. No. 2:02-3178
Rev. James E. Harvey, et al. v. Canadian National Railroad, Inc., et al.,
C.A. No. 2:02-3252
Lancelet Moore v. Canadian National Railway Co., et al., C.A. No. 2:02-3270
Howard Keith Cook, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3276
Marvin Vernon, et al. v. Canadian National Railway Co., et al., C.A. No. 2:02-3286
Donald R. Walker, Sr., et al. v. Canadian National Railway Co., et al.,
C.A. No. 2:02-3327
Mary Evans, et al. v. Illinois Central Railroad Co., C.A. No. 2:02-3337
Edward Alexander, et al. v. Walter Martin Carlton, III, et al., C.A. No. 2:02-3418

Southern District of Mississippi

Ashely Burch, et al. v. Canadian National Railway Co., et al., C.A. No. 3:02-1827
Doris Solomon v. Canadian National Railway Co., et al., C.A. No. 3:02-1854
David Robertson, et al. v. Illinois Central Railroad Co., C.A. No. 3:02-1855

MDL-1532 -- In re New Motor Vehicles Canadian Export Antitrust Litigation

Motion of plaintiffs George C. Jaynes, et al.; Andre Rodriguez; Cathy-Ann Accomando; B. Alison Sharrett; Carlos Velez, et al.; Daniel E. Herschberg; Jason Leyner; Joseph Carroll; and John C. Crow for centralization of the following actions in the United States District Court for the Eastern District of New York or, in the alternative, the United States District Court for the District of Massachusetts:

Northern District of California

George C. Jaynes, et al. v. General Motors Corp., et al., C.A. No. 3:03-652

Southern District of Florida

Richard Jaffe v. General Motors Corp., et al., C.A. No. 1:03-20378

Northern District of Illinois

Andre Rodriguez v. General Motors Corp., et al., C.A. No. 1:03-1161

District of Massachusetts

Cathy-Ann Accomando v. General Motors Corp., et al., C.A. No. 1:03-10304

Eastern District of New York

B. Alison Sharrett v. General Motors Corp., et al., C.A. No. 1:03-771

Carlos Velez, et al. v. General Motors Corp., et al., C.A. No. 1:03-818

Daniel E. Herschberg v. General Motor Corp., et al., C.A. No. 1:03-838

Jason Leyner v. General Motors Corp., et al., C.A. No. 1:03-886

Joseph Carroll v. General Motors Corp., et al., C.A. No. 1:03-959

John C. Crow v. General Motors Corp., et al., C.A. No. 1:03-1023

MDL-1533 -- In re Western States Wholesale Electricity Litigation

Motion of defendants Reliant Energy Coolwater, L.L.C.; Avista Utilities; BP Energy Company; Duke Energy Trading & Marketing, L.L.C.; Dynegy, Inc.; Idaho Power Company; Mirant Americas Energy Marketing L.P.; Puget Sound Energy, Inc.; San Diego Gas & Electric; Semptra Energy; Transalta Energy Marketing (California), Inc.; Tucson Electric Power Company; and Xcel Inc. for centralization of the following actions in the United States District Court for the Northern District of California:

District of Oregon

Sharon Lynn Lodewick v. Dynegy, Inc., et al., C.A. No. 3:03-157

Western District of Washington

Nick A. Symonds v. Dynegy, Inc., et al., C.A. No. 2:02-2522

MDL-1534 -- In re World Access, Inc., Securities Litigation

Motion of defendants Steven A. Odom, Mark Gergel, Hensley E. West, Martin D. Kidder, and Stephen J. Clearman for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of Georgia

In re World Access, Inc., C.A. No. 1:99-43

Monetary Fund, Ltd. v. World Access, Inc., et al., C.A. No. 1:99-188

Kevin D. Teague v. World Access, Inc., et al., C.A. No. 1:99-319

District of New Jersey

Pedro Yang, et al. v. Steven A. Odom, et al., C.A. No. 2:02-5968

James Barberian, et al. v. Steven A. Odom, et al., C.A. No. 2:03-725

MDL-1535 -- In re Welding Rod Products Liability Litigation

Motion of plaintiffs Albert Weathersby, et al., for centralization of the following actions in the United States District Court for the Eastern District of Louisiana or the United States District Court for the Southern District of Mississippi:

Eastern District of Louisiana

Albert Weathersby, et al. v. Lincoln Electric Co., et al., C.A. No. 2:03-398
Clarence Variste, Jr. v. Lincoln Electric Co., et al., C.A. No. 2:03-487

Southern District of Mississippi

Charles M. Ruth, et al. v. Lincoln Electric Co., et al., C.A. No. 3:02-406

MDL-1536 -- In re Sulfuric Acid Antitrust Litigation

Motion of plaintiffs Ohio Chemical Services, Inc. and Independent Chemical Corporation for centralization of the following actions in the United States District Court for the Northern District of Ohio:

Northern District of Illinois

Galvanizers Co. v. Noranda, Inc., et al., C.A. No. 1:03-1788

Northern District of Ohio

Ohio Chemical Services, Inc. v. Norfalco, LLC, et al., C.A. No. 1:03-332
Independent Chemical Corp. v. Norfalco, LLC, et al., C.A. No. 1:03-411

MDL-1537 -- In re Nortel Networks Corp. Securities & "ERISA" Litigation

Motion of plaintiffs Maryvonne Tubb, et al., for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

In re Nortel Networks Corp. Securities Litigation, C.A. No. 1:01-1855
Dennis Pasparage v. Nortel Networks Corp., et al., C.A. No. 1:01-5200
Harriet Goldstein v. Nortel Networks Corp., et al., C.A. No. 1:01-5271
George Elkins v. Nortel Networks Corp., et al., C.A. No. 1:01-5294
Gregory Tymn v. Nortel Networks Corp., et al., C.A. No. 1:01-5569
Ezra Birnbaum v. Nortel Networks Corp., et al., C.A. No. 1:01-5676
Dr. Eugene Stricker v. Nortel Networks Corp., et al., C.A. No. 1:01-5677
Donald T. Womble v. Nortel Networks Corp., et al., C.A. No. 1:01-5678
Felix Ezeir v. Nortel Networks Corp., et al., C.A. No. 1:01-5679
Jerry Matez v. Nortel Networks Corp., et al., C.A. No. 1:01-5680
Barrett M. Fisher v. Nortel Networks Corp., et al., C.A. No. 1:01-5681
Patrick D'Auria v. Nortel Networks Corp., et al., C.A. No. 1:01-5682
Richard Eckstein, I.R.A. v. Nortel Networks Corp., et al., C.A. No. 1:01-5683
William Smith v. Nortel Networks Corp., et al., C.A. No. 1:01-5684
Leonard Rapoport v. Nortel Networks Corp., et al., C.A. No. 1:01-5685
Richard Basta v. Nortel Networks Corp., et al., C.A. No. 1:01-5686
Xiomara Ardolina v. Nortel Networks Corp., et al., C.A. No. 1:01-5687
Pierre Barthole v. Nortel Networks Corp., et al., C.A. No. 1:01-5688
Dean E. Hart v. Nortel Networks Corp., et al., C.A. No. 1:01-5689
William Vanstavoren v. Nortel Networks Corp., et al., C.A. No. 1:01-5809
Zorba Lieberman v. Nortel Networks Corp., et al., C.A. No. 1:01-5810
Paul Yen v. Nortel Networks Corp., et al., C.A. No. 1:01-5935
James Hinson v. Nortel Networks Corp., et al., C.A. No. 1:01-6312
Kumaran Krishnan, et al. v. Nortel Networks Corp., et al., C.A. No. 1:01-6314
Linda Adler v. Nortel Networks Corp., et al., C.A. No. 1:01-6315
Jeffrey Goldstein v. Nortel Networks Corp., et al., C.A. No. 1:01-9268
Maryvonne Tubb, et al. v. Nortel Networks, Inc., et al., C.A. No. 1:03-1716

Middle District of Tennessee

Michael Zafarano, Jr., et al. v. Nortel Networks Corp., C.A. No. 3:01-1593
Carol Felts v. Nortel Networks Corp., et al., C.A. No. 3:02-283

MDL-1538 -- In re General Motors Corp. Chevrolet Corvette Steering Column Products Liability Litigation

Motion of defendant General Motors Corporation for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

James Jennings v. General Motors Corp., C.A. No. 1:03-729

Southern District of Illinois

John Turner v. General Motors Corp., C.A. No. 3:03-190

MDL-1539 -- In re Royal Ahold N.V. Securities & "ERISA" Litigation

Motion of plaintiffs Franklin Wilson; U-2 Club; Ralph P. Sbraccia; Peter J. Manhoff; Miriam Sells; Judith E. Legeyt; Sharon Libby; and Michael Lane, et al., for centralization of the following actions in the United States District Court for the Eastern District of Virginia:

District of Maryland

Alan Zelman v. Royal Ahold N.V., et al., C.A. No. 1:03-530

Southern District of New York

F. Richard Manson v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1243

Lillian Kleinman v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1251

John Li v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1257

Friends of Ariel Center for Policy Research v. Koninklijke Ahold N.V., et al.,
C.A. No. 1:03-1263

James McCutheon v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1358

Mitchell C. Kaye v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1411

Oliver Roeder v. Royal Ahold N.V., et al., C.A. No. 1:03-1454

Rochelle Phillips v. Koninklijke Ahold NV, et al., C.A. No. 1:03-1521

Reinhold Holstein v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1640

MDL-1539 (Continued)

Southern District of New York (Continued)

Bernard Stern v. Royal Ahold N.V., et al., C.A. No. 1:03-1735
Dennis G. Mahorney, et al. v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-1984
Generic Trading of Philadelphia, LLC v. Koninklijke Ahold N.V., et al.,
C.A. No. 1:03-2000

Eastern District of Virginia

Franklin Wilson v. Royal Ahold N.V., et al., C.A. No. 1:03-216
U-2 Club v. Royal Ahold N.V., et al., C.A. No. 1:03-222
Ralph P. Sbraccia v. Royal Ahold N.V., et al., C.A. No. 1:03-223
Peter J. Manhoff v. Royal Ahold N.V., et al., C.A. No. 1:03-224
Miriam Sells v. Koninklijke Ahold N.V., et al., C.A. No. 1:03-259
Judith E. Legeyt v. Royal Ahold N.V., et al., C.A. No. 1:03-290
Sharon Libby v. Royal Ahold N.V., et al., C.A. No. 1:03-291
Michael Lane, et al. v. Royal Ahold N.V., et al., C.A. No. 1:03-334

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL
ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs Arnold Alvin Allen, et al., and Christopher T. Upton, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Northern District of Georgia

Arnold Alvin Allen, et al. v. Georgia Pacific Corp., et al., C.A. No. 1:02-1572

Eastern District of Tennessee

Christopher T. Upton, et al. v. United States of America, et al., C.A. No. 3:03-52

MDL-1105 -- In re New England Mutual Life Insurance Company Sales Practices Litigation

Opposition of plaintiffs Kemper Galleries, Inc., et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

District of Colorado

Kemper Galleries, Inc., et al. v. Jordan D. Volk, et al., C.A. No. 1:02-2227

MDL-1132 -- In re Exterior Insulation Finish System (EIFS) Products Liability Litigation

Opposition of plaintiffs Bruce F. Bryant, et al., to transfer of the following action to the United States District Court for the Eastern District of North Carolina:

Northern District of Illinois

Bruce F. Bryant, et al. v. Dryvit Systems, Inc., C.A. No. 1:02-8540

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

District of Arizona

Cindy Natay-Curley v. Wyeth, et al., C.A. No. 4:03-11

Central District of California

Patricia O'Connell, et al. v. American Home Products Corp., et al., C.A. No. 2:03-317
Marilyn Swanson, et al. v. American Home Products Corp., et al., C.A. No. 2:03-319
Sherri Mize v. American Home Products Corp., et al., C.A. No. 2:03-322
Dolores Tazmon v. American Home Products Corp., et al., C.A. No. 2:03-324
Jessica Kerr v. American Home Products Corp., et al., C.A. No. 2:03-325
Hugh Yamshon, et al. v. American Home Products Corp., et al., C.A. No. 2:03-326
Lois Hornsby, et al. v. American Home Products Corp., et al., C.A. No. 2:03-328
Barbara Mealer v. American Home Products Corp., et al., C.A. No. 2:03-329
Regina Bustamante, et al. v. American Home Products Corp., et al., C.A. No. 2:03-330
Lynn Holmes v. American Home Products Corp., et al., C.A. No. 2:03-331
Antoinette Bianco, et al. v. American Home Products Corp., et al., C.A. No. 2:03-332
Idalia Franco, et al. v. American Home Products Corp., et al., C.A. No. 2:03-333
Kay Koop, et al. v. American Home Products Corp., et al., C.A. No. 2:03-335

MDL-1203 (Continued)

Northern District of Georgia

Daniel Johnson, et al. v. Wyeth Corp., et al., C.A. No. 1:02-1368
Ana Maria Dibienza, et al. v. Wyeth, Inc., et al., C.A. No. 1:03-28

Southern District of Mississippi

Margaret E. Lawhon v. Wyeth, et al., C.A. No. 2:03-13
Berthene Washington, et al. v. American Home Products Corp., et al., C.A. No. 3:02-1786
Mary Killebrew, et al. v. Wyeth, et al., C.A. No. 3:02-1808
Shirley R. Jobe, et al. v. Wyeth, et al., C.A. No. 3:03-7
Jennifer Stimage v. Wyeth, et al., C.A. No. 3:03-12
Rita Cook v. Lawrence Stewart, et al., C.A. No. 3:03-27

Eastern District of Texas

Judith Shockley v. Wyeth, et al., C.A. No. 1:02-832

Motions of plaintiffs Mary Lee Albert, et al., and Ruth Addison, et al., to remand, under 28 U.S.C. § 1407(a), the following actions to their respective transferor courts:

Eastern District of Pennsylvania

Mary Lee Albert, et al. v. American Home Products Corp., et al., C.A. No. 2:01-20127
(E.D. Louisiana, C.A. No. 2:01-861)
Ruth Addison, et al. v. American Home Products Corp., et al., C.A. No. 2:99-20079
(M.D. Louisiana, C.A. No. 3:99-33)

MDL-1278 -- In re Cardizem CD Antitrust Litigation

Motion of plaintiff Eugenia Wynne Sams to remand, under 28 U.S.C. § 1407(a), the following action to the United States District Court for the Eastern District of Tennessee:

Eastern District of Michigan

Eugenia Wynne Sams v. Hoechst Aktiengesellschaft, et al., C.A. No. 2:99-73190
(E.D. Tennessee, C.A. No. 2:98-348)

MDL-1328 -- In re Monosodium Glutamate Antitrust Litigation

Opposition of plaintiff Conopco, Inc., to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of New York

Conopco, Inc. v. Daesang Japan, Inc., et al., C.A. No. 1:02-9832

MDL-1334 -- In re Managed Care Litigation

Oppositions of plaintiffs The Pennsylvania Orthopedics Society, et al., and Imtiaz Ahmad, M.D., to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

Eastern District of Pennsylvania

The Pennsylvania Orthopedics Society, et al. v. Aetna, Inc., et al., C.A. No. 2:03-690
Imtiaz Ahmad, M.D. v. Aetna, Inc., et al., C.A. No. 2:03-820

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Central District of California

Billy Don Smith v. Warner-Lambert Co., et al., C.A. No. 2:03-167
Robert Blackwell v. Warner-Lambert Co., et al., C.A. No. 2:03-168
Stella Haight v. Warner-Lambert Co., et al., C.A. No. 2:03-169
Dario Morin, et al. v. Warner-Lambert Co., et al., C.A. No. 2:03-223

Northern District of Mississippi

Rosie L. Davis v. Warner-Lambert Co., et al., C.A. No. 4:03-2

Southern District of Mississippi

Doris Palmer v. Warner-Lambert Co., et al., C.A. No. 1:02-881
Jimmie Nell Pickering v. Warner-Lambert Co., et al., C.A. No. 2:02-882
Gladys Blackwell v. Warner-Lambert Co., et al., C.A. No. 2:02-883
Mary Blackwell v. Warner-Lambert Co., et al., C.A. No. 2:02-884
Ollie Williams, et al. v. Warner-Lambert Co., et al., C.A. No. 2:03-6
Emma Wheatley v. Warner-Lambert Co., et al., C.A. No. 3:02-1544
Sherry Wells, etc. v. Pfizer, Inc., et al., C.A. No. 3:02-1753
Bernice Fisher v. Pfizer, Inc., et al., C.A. No. 3:03-82

Western District of Missouri

Larry Glossip, et al. v. Warner-Lambert Co., et al., C.A. No. 4:03-36

Western District of Texas

Teresa Gonzalez, etc. v. Warner-Lambert Co., et al., C.A. No. 3:02-215

Western District of Washington

Ricardo Alvarado, et al. v. Warner-Lambert Co., et al., C.A. No. 2:02-2458

MDL-1350 -- In re Trans Union Corp. Privacy Litigation

Opposition of plaintiff Mark E. Andrews to transfer of the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Louisiana

Mark E. Andrews v. Trans Union Corp., et al., C.A. No. 2:02-3829

MDL-1382 -- In re Unitrin, Inc., Industrial Life Insurance Litigation

Oppositions of plaintiffs Callie Mae Tanner, et al.; Rose Thurman, et al.; Louise Little, et al.; Emma Jean Smith; Johnson Moore, et al.; Dollie Wolfe, et al.; and Ella Cole, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Northern District of Mississippi

Callie Mae Tanner, et al. v. United Insurance Co. of America, et al., C.A. No. 2:03-24

Rose Thurman, et al. v. United Insurance Co. of America, et al., C.A. No. 2:03-25

Louise Little, et al. v. Union National Life Insurance Co., et al., C.A. No. 2:03-26

Emma Jean Smith v. Union National Life Insurance Co., et al., C.A. No. 4:03-33

Southern District of Mississippi

Johnson Moore, et al. v. Union National Life Insurance Co., et al., C.A. No. 4:03-44

Dollie Wolfe, et al. v. Union National Life Insurance Co., et al., C.A. No. 5:03-49

Ella Cole, et al. v. Union National Life Insurance Co., et al., C.A. No. 5:03-50

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Opposition of plaintiff Ricky E. Ransome to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Northern District of Mississippi

Ricky E. Ransome v. Life Insurance Co. of Georgia, et al., C.A. No. 4:03-1

MDL-1403 -- In re StarLink Corn Products Liability Litigation

Opposition of plaintiff AgraMarke, Inc., to transfer of the following action to the United States District Court for the Northern District of Illinois:

District of Minnesota

AgraMarke, Inc. v. Aventis CropScience USA, LP, et al., C.A. No. 0:03-13

MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Western District of Washington:

Southern District of Illinois

Kevin Graw v. Bristol-Myers Squibb Co., et al., C.A. No. 3:02-1256
Betty Andrews v. Wyeth Consumer Healthcare, Ltd., et al., C.A. No. 3:02-1259
Barbara Ward v. Wyeth Consumer Healthcare, Ltd., et al., C.A. No. 3:02-1260
Vinell Jones v. Bayer Corp., et al., C.A. No. 3:02-1261
Loretta Rorie v. Bayer Corp., et al., C.A. No. 3:02-1262
Robert McNeil v. Wyeth, Inc., et al., C.A. No. 3:02-1265
Venetta Johnson v. Bayer Corp., et al., C.A. No. 3:02-1266
Louis Siciliano v. Wyeth, Inc., et al., C.A. No. 3:02-1272
Cindy Berisford v. Wyeth Consumer Healthcare, Ltd., et al., C.A. No. 3:02-1274
Alva Franklin v. Chattem, Inc., et al., C.A. No. 3:02-1282
Christina Neu v. Chattem, Inc., et al., C.A. No. 3:02-1284
Judith De Lisle v. Chattem, Inc., et al., C.A. No. 3:02-1285
David Brown v. SmithKline Beecham Corp., et al., C.A. No. 3:02-1286

MDL-1407 (Continued)

Eastern District of Michigan

Laura M. Bonucchi v. Welpharm, Inc., et al., C.A. No. 2:02-75100

Middle District of Tennessee

Sandra Baggett v. Dollar General Corp., et al., C.A. No. 3:03-60

Northern District of Texas

Selia Luz Rodriguez v. Advocare International, LLC, et al., C.A. No. 3:02-2733
Lynne Grant, et al. v. Advocare International LLC, et al., C.A. No. 3:02-2737

Southern District of Texas

Angela Lea, et al. v. Chattem, Inc., et al., C.A. No. 4:02-4865

Western District of Texas

Charles Jackson, etc. v. Bayer Corp., et al., C.A. No. 5:02-1207

MDL-1422 -- In re Waste Management, Inc., Securities Litigation

Opposition of plaintiff Robert F. Smith to transfer of the following action to the United States District Court for the Southern District of Texas:

Northern District of Illinois

Robert F. Smith v. Waste Management, Inc., C.A. No. 1:02-8251

MDL-1423 -- In re Cygnus Telecommunications Technology, LLC, Patent Litigation

Opposition of defendant United World Telecom, L.C., to transfer of the following action to the United States District Court for the Northern District of California:

Southern District of Florida

Cygnus Telecommunications Technology, LLC v. United World Telecom, L.C.,
C.A. No. 0:02-61739

MDL-1431 -- In re Baycol Products Liability Litigation

Oppositions of certain plaintiffs and defendants Lintze Linda Tau, M.D., and Blanche Sau Jaun Leung, M.D., to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Northern District of Mississippi

Clifford King v. Bayer AG, et al., C.A. No. 2:02-286
Nancy Goldman, et al. v. Bayer Corp., et al., C.A. No. 2:02-303
Mildred Boykin, et al. v. Bayer Corp., et al., C.A. No. 4:02-316
Linda Redmon v. Bayer Corp., et al., C.A. No. 4:03-5

Southern District of Mississippi

Benjamin Akins, et al. v. Bayer Corp., et al., C.A. No. 2:02-839
Huey Davis Jackson v. Bayer Corp., et al., C.A. No. 2:02-841
Mary E. Reed, et al. v. Bayer Corp., et al., C.A. No. 3:02-1708
Pinkye Fuqua v. Bayer AG, et al., C.A. No. 3:02-1834
Mary Dallas v. Bayer AG, et al., C.A. No. 3:02-1835
Brinda West v. Bayer AG, et al., C.A. No. 3:02-1836
Josie Thompson v. Bayer AG, et al., C.A. No. 3:03-3
Hazel Turner v. Bayer AG, et al., C.A. No. 3:03-4
Mary Davis, et al. v. Bayer AG, et al., C.A. No. 5:02-679
Johnny Rankin, et al. v. Bayer Corp., et al., C.A. No. 5:03-10

MDL-1431 (Continued)

Eastern District of New York

Pui Jane Chin, etc. v. Bayer Corp., et al., C.A. No. 1:02-6600

Southern District of Texas

Dean Kawaja, et al. v. Bayer AG, et al., C.A. No. 4:02-4483

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Oppositions of plaintiffs The Retirement Systems of Alabama; Samson Investment Company; and Joe H. Walker, et al., to transfer of their respective following actions to the United States District Court for the Southern District of Texas:

Middle District of Alabama

The Retirement Systems of Alabama v. Merrill Lynch & Co., et al., C.A. No. 2:03-69

Northern District of Oklahoma

Samson Investment Co. v. Arthur Andersen, LLP, et al., C.A. No. 4:03-86

Middle District of Tennessee

Joe H. Walker, et al. v. Arthur Andersen, LLP, et al., C.A. No. 3:02-1177

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Opposition of plaintiff Robert J. Swanston to transfer of the following action to the United States District Court for the District of Massachusetts:

District of Arizona

Robert J. Swanston v. TAP Pharmaceuticals Products, Inc., et al., C.A. No. 2:03-62

MDL-1472 -- In re Global Crossing Ltd. Securities & "ERISA" Litigation

Opposition of plaintiff Abe Nachom to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of California

Abe Nachom v. Citigroup, Inc., et al., C.A. No. 2:03-520

MDL-1477 -- In re Serzone Products Liability Litigation

Oppositions of plaintiffs Colleen Hackett, Eula Hilliard, Kisha Neveaux, Melinda Rogers, Shirley Aguzin, Charles Moreau, Marsha Danos, and David Sullivan and defendants Charles Chester, M.D.; Jefferson Parish Human Services Authority (Eastbank Pharmacy); Howard Wetsman, M.D.; and The Board of Supervisors of Louisiana State University & Agricultural & Mechanical College to transfer of their respective following actions to the United States District Court for the Southern District of West Virginia:

Eastern District of Louisiana

Colleen Hackett v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-108
Eula Hilliard v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-141
Kisha Neveaux v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-142
Melinda Rogers v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-190
Shirley Aguzin v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-194
Charles Moreau v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-195
Marsha Danos v. Bristol-Myers Squibb & Co., Inc., et al., C.A. No. 2:03-198
David Sullivan v. Bristol-Myers Squibb Co., Inc., et al., C.A. No. 2:03-199

MDL-1481 -- In re Meridia Products Liability Litigation

Opposition of plaintiffs James Lindsey, et al., to transfer of the following action to the United States District Court for the Northern District of Ohio:

Northern District of Mississippi

James Lindsey, et al. v. Abbott Laboratories, et al., C.A. No. 2:03-47

MDL-1484 -- In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation

Opposition of plaintiff Thomas G. Strano to transfer of the following action to the United States District Court for the Southern District of New York:

Southern District of Florida

Thomas G. Strano v. Merrill Lynch & Co., Inc., et al., C.A. No. 0:02-61591

MDL-1487 -- In re WorldCom, Inc., Securities & "ERISA" Litigation

Oppositions of plaintiffs Randy Beane, et al.; Jackie S. Bell, et al.; Susan M. Beasley, et al.; Jeanette M. Allen, et al.; Marvin L. Bryant, et al.; Raymond E. Jourdan, et al.; Lindsey H. Anderson, et al.; Mary Conner Adcock, et al.; Natasha Turner Carpenter, et al.; Teachers Retirement System of Louisiana, et al.; and State of Wisconsin Investment Board, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Northern District of Mississippi

Randy Beane, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-24
Jackie S. Bell, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-25
Susan M. Beasley, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-26
Jeanette M. Allen, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-41
Marvin L. Bryant, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-42
Raymond E. Jourdan, et al. v. Bernard J. Ebbers, et al., C.A. No. 1:03-43

MDL-1487 (Continued)

Northern District of Mississippi (Continued)

Lindsey H. Anderson, et al. v. Bernard J. Ebbers, et al., C.A. No. 3:03-12

Mary Conner Adcock, et al. v. Bernard J. Ebbers, et al., C.A. No. 3:03-18

Natasha Turner Carpenter, et al. v. Bernard J. Ebbers, et al., C.A. No. 3:03-24

Southern District of Mississippi

Teachers Retirement System of Louisiana, et al. v. Bernard J. Ebbers, et al.,
C.A. No. 3:03-148

Western District of Wisconsin

State of Wisconsin Investment Board, et al. v. Citigroup, Inc., et al., C.A. No. 3:02-698

MDL-1499 -- In re South African Apartheid Litigation

Opposition of plaintiffs Sakwe Balintulo Khulumani, et al., to transfer of the following action
to the United States District Court for the Southern District of New York:

Eastern District of New York

Sakwe Balintulo Khulumani, et al. v. Barclays National Bank, Ltd., et al.,
C.A. No. 1:02-5952

PROCEDURES FOR ORAL ARGUMENT BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.